

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

THOMAS VIGLIATURA,
MATTHEW MCLAUGHLIN,
BRIAN BENEDICT, and
HERIBERTO ARROYO

CR. NO. **4:05CR400 33-FDS**

VIOLATIONS:

21 U.S.C. § 846--
Conspiracy to Distribute
and to Possess with
Intent to Distribute
GHB and GBL

21 U.S.C. § 846--
Conspiracy to Possess
Cocaine and 3,4
Methylenedioxy-
methamphetamine/MDMA

21 U.S.C. § 841(a)(1)--
Possession with Intent to
Distribute and
Distribution of GHB and
GBL

21 U.S.C. § 853--
Criminal Forfeiture
Allegation

INDICTMENT

COUNT ONE: (21 U.S.C. §846--Conspiracy to Distribute and to
Possess With Intent to Distribute GHB and GBL)

The Grand Jury charges that:

From in or about the Summer of 2000 and continuing
thereafter until in or about the Summer of 2004, in Worcester,

and elsewhere in the District of Massachusetts, and elsewhere,

THOMAS VIGLIATURA,
MATTHEW MCLAUGHLIN,
BRIAN BENEDICT, and
HERIBERTO ARROYO

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other, and with other persons known and unknown to the Grand Jury, to distribute, and to possess with intent to distribute, gamma-hydroxybutyric acid ("GHB"), a Schedule I controlled substance, and gamma butyrolactone ("GBL"), a controlled substance analogue as defined in 21 U.S.C. §802(32), intending it for human consumption as provided in 21 U.S.C. §813, in violation of 21 U.S.C. §841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. §846 - Conspiracy To Possess Cocaine and 3,4 methylenedioxymethamphetamine/MDMA (Ecstasy))

The Grand Jury further charges that:

From in or about the Summer of 2000, and continuing until in or about the Summer of 2004, in the District of Massachusetts and elsewhere,

THOMAS VIGLIATURA,
BRIAN BENEDICT, and
HERIBERTO ARROYO

defendants herein, knowingly and intentionally, combined, conspired and agreed together and with other persons known and unknown to the Grand Jury, to possess cocaine, a Schedule II controlled substance, and 3,4 methylenedioxymethamphetamine/MDMA, also known as Ecstasy, a Schedule I controlled substance, in violation of 21 U.S.C. §844.

All in violation of Title 21, United States Code, Section 846.

COUNT THREE: (21 U.S.C. §841(a)(1) - Possession With Intent To Distribute And Distribution of GBL)

The Grand Jury further charges that:

On or about February 4, 2004, in the District of Massachusetts,

THOMAS VIGLIATURA

defendant herein, knowingly and intentionally possessed with intent to distribute, and distributed, a mixture and substance containing a detectable amount of gamma butyrolactone ("GBL"), a controlled substance analogue as defined in 21 U.S.C. §802(32), intending it for human consumption as provided in 21 U.S.C. §813.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR: (21 U.S.C. §841(a)(1) - Possession With Intent To
Distribute And Distribution Of GHB)

The Grand Jury further charges that:

On or about March 4, 2004 in the District of Massachusetts,

THOMAS VIGLIATURA

defendant herein knowingly and intentionally possessed with
intent to distribute, and distributed, a mixture and substance
containing a detectable amount of gamma-hydroxybutyric acid
("GHB"), a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1).

COUNT FIVE: (21 U.S.C. §841(a)(1) - Possession With Intent To Distribute And Distribution Of GHB)

The Grand Jury further charges that:

On or about March 13, 2004, in the District of Massachusetts,

THOMAS VIGLIATURA

defendant herein, knowingly and intentionally possessed with intent to distribute, and distributed, a mixture and substance containing a detectable amount of gamma-hydroxybutyric acid ("GHB"), a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX: (21 U.S.C. §841(a)(1) - Possession With Intent to Distribute And Distribution Of GHB And GBL)

The Grand Jury further charges that:

On or about June 25, 2004, in the District of Massachusetts,

THOMAS VIGLIATURA

defendant herein, knowingly and intentionally possessed with intent to distribute, and distributed a mixture and substance containing a detectable amount of gamma-hydroxybutyric acid ("GHB"), a Schedule I controlled substance, and gamma butyrolactone ("GBL"), a controlled substance analogue as defined in 21 U.S.C. §802(32), intending it for human consumption as provided in 21 U.S.C. §813.

All in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION

(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One and Three through Six of this Indictment,

THOMAS J. VIGLIATURA,
MATTHEW A. MCLAUGHLIN
BRIAN W. BENEDICT, and
HERIBERTO ARROYO,

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses. Such property includes, but is not limited to:

(a) \$50,000 in United States currency, in that such sum in aggregate represents the amount the defendants received as a result of the violation;

(b) all right, title, or interest in the business known as "T VIGS SPORTS SUPPLEMENTS," having a corporate place of business at 98 W. Boylston Street, Worcester, Massachusetts;

(c) all right, title, or interest in the real property located at 118 Santoro Road, Worcester, Massachusetts, having a deed recorded at Book 32867, Page 308

(Document No. 26988) at the Worcester County Registry

of Deeds.

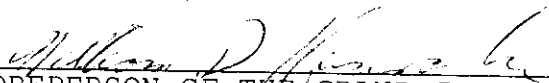
If any of the properties described in paragraph 1, above, as a result of any act or omission of the defendant --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL,


FOREPERSON OF THE GRAND JURY


ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS

Returned into the District Court by the Grand Jurors and
filed.


DEPUTY CLERK

3:27 p.m.

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Worcester Category No. II Investigating Agency DEACity Worcester Related Case Information:County Worcester Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Thomas Vigliatura Juvenile ☐ Yes ☒ No

Alias Name _____

Address 118 Santoro Road, Worcester, MABirth date (Year only): 1968 SSN (last 4 #): 5486 Sex M Race: Caucasian Nationality: U.S.A.

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA George Vien Bar Number if applicable _____Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 6

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 7/27/05 Signature of AUSA: George W. Vien

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Thomas Vigliatura

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Distribute GHB and GBL</u>	<u>1</u>
Set 2	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Possess Cocaine and MDMA</u>	<u>2</u>
Set 3	<u>21 U.S.C. §841(a)(1)</u>	<u>Possession of GHB/GBL with Intent</u>	<u>3, 4, 5, 6</u>
Set 4	<u>21 U.S.C. § 853</u>	<u>Forfeiture Allegation</u>	
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Worcester Category No. II Investigating Agency DEACity Worcester Related Case Information:County Worcester Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Brian Benedict Juvenile ☐ Yes ☒ No

Alias Name _____

Address 53 Woodland Road, Alburn, MABirth date (Year only): 1972 SSN (last 4 #): 4652 Sex M Race: Caucasian Nationality: U.S.A.

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA George Vien Bar Number if applicable _____Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 7/27/05 Signature of AUSA: George W. Vien

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Brian Benedict

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Distribute GHB and GBL</u>	<u>1</u>
Set 2	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Possess Cocaine and MDMA</u>	<u>2</u>
Set 3	<u>21 U.S.C. § 853</u>	<u>Forfeiture Allegation</u>	
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: Worcester Category No. II Investigating Agency DEACity Worcester Related Case Information:County Worcester Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Matthew McLaughlin Juvenile ☐ Yes ☒ No

Alias Name _____

Address 52 Braveboat Harbor Road, Kittery Point, MEBirth date (Year only): 1972 SSN (last 4 #): 3006 Sex M Race: Caucasian Nationality: U.S.A.

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA George Vien Bar Number if applicable _____Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 7/27/05 Signature of AUSA: George W. Vien

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Matthew McLaughlin

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Distribute GHB and GBL</u>	<u>1</u>
Set 2	<u>21 U.S.C. § 853</u>	<u>Forfeiture Allegation</u>	
Set 3			
Set 4			
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Set 11			
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Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised USAO MA 6/29/04)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Worcester Category No. II Investigating Agency DEACity Worcester Related Case Information:County Worcester Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Heriberto Arroyo Juvenile ☐ Yes ☒ No

Alias Name _____

Address 49 Pleasant Street, Worcester, MABirth date (Year only): 1969 SSN (last 4 #): 5186 Sex M Race: Hispanic Nationality: U.S.A.

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA George Vien Bar Number if applicable _____Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: _____ Signature of AUSA: _____

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Heriberto Arroyo

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Distribute GHB and GBL</u>	<u>1</u>
Set 2	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Possess Cocaine and MDMA</u>	<u>2</u>
Set 3	<u>21 U.S.C. § 853</u>	<u>Forfeiture Allegation</u>	
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
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Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: